

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PAUL T. PAPADAKIS
Plaintiff

v.

CSX TRANSPORTATION, INC.,
Defendant

C.A. No.:04-30189-MAP

**PLAINTIFF'S MOTION TO COMPEL
DEFENDANT CSX TRANSPORTATION, INC.'S
ADEQUATE AND COMPLETE RESPONSES TO
PLAINTIFF'S REQUEST FOR ADMISSIONS**

Now comes the Plaintiff in the above-entitled matter and moves this Honorable Court to compel the Defendant CSX Transportation, Inc. to compel complete and adequate responses to Plaintiff's Requests for Admissions pursuant to Rule 37.1 (B) of the Local Rules for the United States District Court of Massachusetts. The Defendant in its Responses to Plaintiff's Request for Admissions objects to several Requests that are detailed and contested both below and in the attached memorandum.

The Defendant objects to Request Nos. 1, 3, 9, 10, 11, 12, 19, 20, 21, 22, 25, 28, 33, 35, and 36, contending that the Requests are overly broad in time or vague. The Defendant's objections are not well taken, however, because the Plaintiff set forth with specificity all dates and information relevant to each Request.

The Defendant objects to Request Nos. 15, 18, and 40, effectively declining to address the functionality of a Hy-Rail component called the pivot stop arm assembly. The Defendant bases its objection on a misreading of the Request and, moreover, ignores

that the Requests mirror language in a Manual used by the Defendant's maintenance staff.

The Defendant objects to Request Nos. 41 through 45, which concern benefits owed to the Plaintiff. The Defendant's objection is unjustified because it need only affirm or deny the Requests by reviewing documents in its possession.

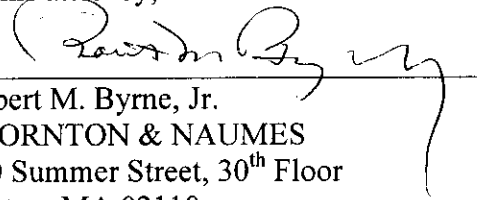
For the reasons set forth herein and in the attached memorandum, the Plaintiff requests that this Court compel the Defendants to supply adequate and complete responses to the above-numbered Requests.

CERTIFICATE

I, Robert M. Byrne Jr. have complied with the provisions of Local Rule 37.1, I have attempted in good faith to narrow and resolve discovery issues with the defendant, have allowed seven days to pass after a request for a discovery conference before filing this motion to compel adequate and complete responses to admissions requests.

PAUL T. PAPADAKIS

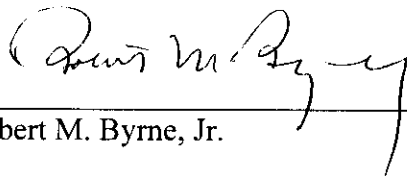
By his attorney,



Robert M. Byrne, Jr.
THORNTON & NAUMES
100 Summer Street, 30th Floor
Boston, MA 02110
(617) 720-1333
Attorney for Plaintiff
B.B.O. #068620

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2005, I served the foregoing Plaintiff's Motion to Compel Defendant's Adequate and Complete Response to Plaintiff's Requests for Admissions by mailing a copy of same, postage prepaid to:



Robert M. Byrne, Jr.

Michael B. Flynn, Esq.
400 Crown Colony Suite 200
Quincy, MA. 02169